



# City of Seattle

---

Gregory J. Nickels, Mayor  
Department of Design, Construction and Land Use  
D. M. Sugimura, Director

## **CITY OF SEATTLE ANALYSIS AND DECISION OF THE DIRECTOR OF THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

**Application Number:** 2208895  
**Applicant Name:** Daniel Moon  
**Address of Proposal:** 2563 West Montlake Place East

### **SUMMARY OF PROPOSED ACTION**

Master Use Permit to increase the capacity of an existing child care center from 25 children to 35 children. No changes to the structure or parking are proposed.

The following approval is required:

**Administrative Conditional Use** - to allow a child care center to serve more than 25 children (Section 23.44.022A Seattle Municipal Code (SMC)).

**SEPA DETERMINATION:**      ☒ Exempt      ☐ DNS      ☐ EIS  
   ☐ DNS with conditions  
   ☐ DNS involving non-exempt grading or demolition  
   or involving another agency with jurisdiction

### **BACKGROUND DATA**

#### Site Description

The property is located in a Single Family 5000 (SF 5000) zone in the Montlake Neighborhood about four blocks south of the Montlake Bridge and one block south of the Montlake Boulevard on and off ramps to the Interstate 520 bridge across Lake Washington. The site slopes up toward the rear of the site and is mapped as an environmentally critical area due to steep slopes and a wetland. The site is developed with an existing child care center for 25 children.

#### Area Development

Development in the vicinity consists primarily of single family residences in the SF 5000 zone which surrounds the site. There is a ballfield to the west of the site. The University of Washington and Husky Stadium are located to the north. The arboretum is located to the east.

Proposal Description

The applicants propose to increase the capacity of the existing child care facility from 25 to 35 children. No changes to the structure or parking are proposed.

Public Comment

Four comment letters were received during the comment period which ended April 9, 2003. Three letters expressed concern about an increase in traffic and demand for onstreet parking in a residential parking zone. One letter expressed support for the child care center.

**ANALYSIS - ADMINISTRATIVE CONDITIONAL USE PERMIT (23.44.022 SMC)**

Section 23.44.022A sets forth the types of institutions that may be permitted as conditional uses in single family zones which includes child care centers.

Applicable criteria of Section 23.44.022 (in italics) are discussed as follows:

*D. General Provisions.*

1. *New or expanding institutions in single-family zones shall meet the development standards for uses permitted outright in Sections 23.44.008 through 23.44.016 unless modified elsewhere in this subsection or in a Major Institution Master Plan.*

The child care facility is located in a former single family residence and no expansion of the structure is proposed.

2. *The establishment of a child care center in a legally established institution devoted to the care or instruction of children which does not violate any condition of approval of the existing institutional use and does not require structural expansion shall not be considered a new use or an expansion of the institutional use.*

The child care center is already established to allow for up to 25 children. This expansion is to increase the allowable number of children.

3. *Structural work which does not increase usable floor area or seating capacity and does not exceed the height limit of the zone shall not be considered an expansion of the institution. Such work includes but is not limited to roof repair or replacement and construction of uncovered decks and porches, bay windows, dormers, and eaves.*

This application is limited to increasing the number of children in the child care center from 25 to 35. The floor area will remain the same as currently exists, seating capacity is not applicable for this use, and the height of the structure would not be increased.

4. *Institutions seeking to establish or expand on property which is developed with residential structures may expand their campus up to a maximum of two- and*

*one-half (2 1/2) acres. An institution campus may be established or expanded beyond two- and one-half (2 1/2) acres if the property proposed for the expansion is substantially vacant land.*

No expansion of an existing institution is proposed. There will be no increase in structure size or lot area.

*E. Dispersion.*

- 1. The lot line of any proposed new or expanding institution, other than child care centers locating in legally established institutions, shall be located six hundred feet (600') or more from any lot line of any other institution in a residential zone, with the following exceptions:*
- 2. A proposed child care center serving not more than twenty-five (25) children which does not meet the criteria of subsection D1 of this section may be permitted to locate less than six hundred feet (600') from a lot line of another institution if the Director determines that, together with the nearby institution(s), the proposed child care center would not:*
  - a. Create physical scale and bulk incompatible with the surrounding neighborhood;*
  - b. Create traffic safety hazards;*
  - c. Create or significantly increase identified parking shortages; or*
  - d. Significantly increase noise levels to the detriment of surrounding residents.*

The site is adjacent to the Montlake Athletic Field which is a park containing an institution (Montlake Community Center). The community center is approximately 900 feet from the site. Therefore, dispersion criteria is met.

- F. Demolition of Residential Structures. No residential structure shall be demolished nor shall its use be changed to provide for parking. This prohibition may be waived if the demolition or change of use proposed is necessary to meet the parking requirements of this Land Use Code and if alternative locations would have greater noise, odor, light and glare or traffic impacts on surrounding property in residential use. If the demolition or change of use is proposed for required parking, the Director may consider waiver of parking requirements in order to preserve the residential structure and/or use. The waiver may include, but is not limited to, a reduction in the number of required parking spaces and a waiver of parking development standards such as location or screening.*

The existing residential structure will not be demolished nor will its use be changed to provide for parking.

- G. Reuse of Existing Structures. Existing structures may be converted to institution use if the yard requirements for institutions are met. Existing structures which do not meet these yard requirements may be permitted to convert to institution use, provided that the Director may require additional mitigating measures to reduce impacts of the proposed use on surrounding properties.*

The existing structure has yards with the following approximate dimensions: 20 feet minimum in front, 66 feet in the rear yard, and side yards of five feet on the south and three feet on the north. Yard requirements for institutions are found in 22.44.022K2, and permit yards not less than five feet. No impacts are expected to result from the reuse of the existing yard configuration, therefore, additional mitigating measures will not be required.

- H. Noise and Odors. For the purpose of reducing potential noise and odor impacts, the Director shall consider the location on the lot of the proposed institution, on-site parking, out-door recreational areas, trash and refuse storage areas, ventilating mechanisms, sports facilities and other noise-generating and odor-generating equipment, fixtures or facilities. The institution shall be designed and operated in compliance with the Noise Ordinance, Chapter 25.08d.*

*In order to mitigate identified noise and/or odor impacts, the Director may require measures such as landscaping, sound barriers or fences, mounding or berming, adjustments to yard or parking development standards, design modifications, setting hours of operation for facilities or other similar measures.*

The child care center will not generate noise levels above 55 dB(A) as required. The child care center is closed with no activity between the hours of 6:30 PM and 8:00 AM eliminating the noise generation during those hours. Many of the neighbors work during the day and do not experience noise from the outdoor play area. Noise from motor vehicles operated by parents dropping off or picking up children does not exceed 76 dB(A). If noisy vehicles operated by parents are encountered in the future, the parents will be required to repair the vehicle or use another vehicle to arrive at the child care center. Parents will be reminded every quarter in the newsletter to eliminate noise from car stereos while on the premises. Staff will be reminded each month to keep noise down from portable audio equipment inside of the building and to never use it outside of the building. Trash cans with lids and refuse areas will be kept clean at all times. There are no ventilating mechanisms that will generate an undue amount of noise and odor. There are no fixtures or cooking facilities that will generate an undue amount of noise or odor. Noise and odor impacts resulting from this operation are not expected to result in an unacceptable level of impacts in the zone and vicinity.

- I. Landscaping. Landscaping shall be required to integrate the institution with adjacent areas, reduce the potential for erosion or extensive storm water runoff, reduce the coverage of the site by impervious surfaces, screen parking from adjacent residentially zoned lots or streets or to reduce the appearance of bulk of the institution.*

*Landscaping plant materials shall be species compatible with surrounding flora. Existing plant material may be required to be retained. Maintenance of landscaped areas shall be the continuing responsibility of the owner.*

The existing landscaping has not been changed since the property was a single-family residence, so the institution retained the residential character which integrated the institution with the surrounding area. About 80 percent of the yard used for playing is landscaped with the exception of the play structure area required by the Daycare Licensing Agency. There are no visible signs of erosion or extensive storm water runoff. The landscaping and fencing has always screened the parking from adjacent residentially zoned lots and streets. The property has many trees within the property and immediately outside of it on the Montlake Play Field. There are 40 foot tall cottonwood trees and street trees that screen and reduce the appearance of bulk of the institution. The current landscaping consists of evergreen trees, deciduous trees and medium height ground cover, which is the same planting material that existed when the house was originally purchased and is similar to the species found on surrounding properties. A professional landscape company maintains the landscaping.

*J. Light and Glare. Exterior lighting shall be shielded or directed away from adjacent residentially zoned lots. The Director may also require that the area and intensity of illumination, the location or angle of illumination be limited. Nonreflective surfaces shall be used to help reduce glare.*

Two exterior lights are provided on the wall along the south side of the house to light the path to the lower part of the school. Lights are pointing straight down and are provided with hoods to minimize glare. These are 75-watt lamps and are spaced about 25 feet apart. Two exterior lights are provided on the wall along the east side of the house to illuminate the driveway in the evening when children are being picked up. One light fixture is pointing straight down and is provided with a hood to minimize glare. The other is angled and points to the driveway (away from the adjacent residence). These are 75-watt lamps and are spaced about 25 feet apart. The exterior walls of the house have flat finish paint on them to reduce glare when the exterior lights are on. The lamps used on the exterior have reflective coating on the sides to direct most of the light down and give off very little light sideways. In order to reduce the intensity of illumination generated from the property, all the light fixtures are either on a timer or motion detectors. All light fixtures are timed to go off by 8:00 PM. There will be no additional light fixtures for this project. Automobile headlights during the winter months will be limited to the 8:00 AM morning arrival time and the 5:45 PM evening pick up time when other residents of the neighborhood are departing to and returning from work. Therefore, no further conditioning is warranted.

*K. Bulk and Siting.*

- 1. Lot area. If the proposed site is more than one (1) acre in size, the Director may require the following and similar development standards:*

The site is less than one acre in size.

- 2. Yards. Yards of institutions shall be as required for uses permitted outright in Section 23.44.008, provided that no structure other than freestanding walls, fences, bulkheads or similar structures shall be closer than ten feet (10') to the side lot line. The Director may permit yards less than ten feet (10') but not less than five feet (5') after finding that the reduced setback will not significantly*

*increase impacts, including but not limited to noise, odor and comparative scale, to adjacent lots zoned residential and there will be a demonstrable public benefit.*

There will be no new construction for this project. However, the existing building was constructed during the 1930's and does not conform to the current development standards. There are structures other than freestanding walls, fences or similar structures closer than ten feet to the side lot line. There are only two sides of the building that exceed 30 feet in length but they are also the least visible sides of the building. The north side is about 37 feet long but the landscaping that covers the first floor reduces the bulk of the two-story height. The south façade is broken up by the chimney, the glazed in porch, and transparency of the deck on the west facade. The second floor is below street level.

3. *Institutions Located on Lots in More Than One (1) Zone Classification.*

This criterion is not applicable because the site is located in only one zone, SF5000.

4. *Height Limit. A religious symbol and that portion of the roof supporting it, including but not limited to a belfry or a spire, may extend an additional twenty-five feet (25') above the height limit.*

A religious symbol is not proposed above the existing roof.

5. *Facade Scale. If any facade of a new or expanding institution exceeds thirty feet (30') in length, the Director may require that facades adjacent to the street or a residentially zoned lot be developed with design features intended to minimize the appearance of bulk. Design features which may be required include, but are not limited to, modulation, architectural features, landscaping or increased yards.*

No changes to the façade are proposed and all facades of this residence are compatible with other houses in the neighborhood, therefore no mitigation for facade length will be necessary.

L. *Parking and Loading Berth Requirements.*

1. *Quantity and Location of Off-street Parking.*

a. *Use of transportation modes such as public transit, vanpools, carpools and bicycles to reduce the use of single-occupancy vehicles shall be encouraged.*

b. *Parking and loading shall be required as provided in Section 23.54.015*

c. *The Director may modify the parking and loading requirements of Section 23.54.015, Required parking, and the requirements of Section 23.44.016, Parking location and access on a case-by-case basis using the information contained in the transportation plan prepared pursuant to subsection M of this section. The modification shall be based on adopted City policies and shall:*

- i. *Provide a demonstrable public benefit such as, but not limited to, reduction of traffic on residential streets, preservation of residential structures, and reduction of noise, odor, light and glare; and*
- ii. *Not cause undue traffic through residential streets nor create a serious safety hazard.*

There are five staff and will remain at five when the number of children is increased to 35. Three of the staff either carpool or take the bus and no changes are anticipated. Three parking spaces are currently provided for the staff. Two staff park at the school all day. Five children either walk or ride bicycles to the center with their parents. The number of car drop offs and pick ups varies with the weather. Five families have two or more children at the school who would arrive and leave at the same time. It is anticipated that three to five additional cars would be added to the child care center traffic if the number of children is increased to 35 depending on how many live within walking distance. Most of the increase in number of children will be due to siblings attending the child care center. Two loading berths are provided; one on the street and one off of the driveway. Four covered bicycle parking spaces are provided under the porch. Staff cannot park in the neighborhood without parking pass. Free bus passes are provided to the staff to reduce the use of single occupancy vehicles.

Four children arrive between 8:00 and 8:30 AM, six children arrive between 8:30 and 9:00 AM, and fifteen children arrive between 9:00 and 9:45 AM. Four children are picked up around 1:30 PM, four children are picked up between 3:00 and 3:30 PM, five children are picked up between 4:30 and 5:00 PM, and twelve children are picked up between 5:00 to 5:45 PM. Although it is likely that there will be some on-street parking demand resulting from this facility, the extent to which the on street parking is reduced will not interfere with the available on-street parking for the balance of the property in the zone and vicinity. No serious safety hazards are anticipated to result from this proposal. Additionally, the use will provide a public benefit of a conveniently located day care in this residential neighborhood.

2. *Parking Design. Parking access and parking shall be designed as provided in Design Standards for Access and Off-street Parking, Chapter 23.54.*

A modification to parking requirements has not been requested.

3. *Loading Berths. The quantity and design of loading berths shall be as provided in Design Standards for Access and Off-street Parking, Chapter 23.54.*

A single loading zone has been provided between the existing child care facility and the required front yard. A second 24 foot long loading zone is provided curbside in front of the child care center.

- M. Transportation Plan. A transportation plan shall be required for proposed new institutions and for those institutions proposing expansions which are larger than four thousand (4,000) square feet of structure area and/or are required to provide an additional twenty (20) or more parking spaces.*

The child care center is less than 4,000 sq. ft. and two parking spaces are provided so a transportation plan will not be required for this proposal.

- N. Development Standards for Existing Institutes for Advanced Study.*

The child care center is not an institute for advanced study.

Analysis - Administrative Conditional Use General Provisions SMC 23.44.018

- A. Only those conditional uses identified in this subchapter as conditional uses may be authorized as conditional uses in single family zones. The Master Use Permit process set forth in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, shall be used to authorize conditional uses.*

The Land Use Code, as an enunciation of City policy, allows this type of institution in single family zones and provides the administrative conditional use process as the mechanism for mitigating impacts as necessary. The proposed facility, as conditioned by the Department, is identified as a conditional use which can be authorized in a single family zone.

- B. Unless otherwise specified in this subchapter, conditional uses shall meet the development standards for uses permitted outright in Sections 23.44.006 through 23.44.016.*

The subject proposal meets all of the development standards for uses permitted outright, except as indicated in the preceding analysis.

- C. A conditional use may be approved, conditioned or denied based on a determination of whether the proposed use meets the criteria for establishing a specific conditional use and whether the use will be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.*

The proposal, as discussed under the specific criteria (SMC 23.44.022), meets the criteria for establishing a specific conditional use and has been conditioned such that the potential negative impacts are substantially mitigated.

- D. In authorizing a conditional use, the Director or Council may mitigate adverse negative impacts by imposing requirements or conditions deemed necessary for the protection of other properties in the zone or vicinity in which the property is located.*

The conditions which mitigate the potential adverse impacts of this use will require maintenance of the landscaping and directing and shielding exterior lighting from surrounding residential properties. These conditions combine to provide reasonable mitigation for the proposed child care center and are authorized by this provision.

Conclusion



Based on the foregoing analysis and review, the determination is that the proposed action satisfies all the relevant requirements of SMC 23.44.018 and SMC 23.44.022 which outline the requirements for administrative conditional uses in single family zones. It is the Director's determination that the proposal, as conditioned, would not be materially detrimental to the public welfare nor injurious to property in the zone or vicinity in which the child care center will be located, and should be granted.

**DECISION - ADMINISTRATIVE CONDITIONAL USE PERMIT**

The application for an administrative conditional use is **CONDITIONALLY GRANTED.**

**CONDITIONS - ADMINISTRATIVE CONDITIONAL USE PERMIT**

**Permanent for the Life of the Project**

The owner and/or responsible party(ies) shall:

1. Maintain the landscaping in good condition
2. Direct and shield exterior lighting from surrounding residential properties.

Signature: (signature on file) Date: August 11, 2003  
Malli Anderson, Land Use Planner  
Land Use Services